



Project Address: 5202-5402 Graham Place and 5402-5502 Fen Oak Drive
Application Type: Zoning Map Amendment, Preliminary Plat and Final Plat
Legistar File ID # [29464](#) and [29418](#)
Prepared By: Timothy M. Parks, Planning Division
Report includes comments from other City agencies, as noted.

Summary

Applicant & Property Owner: City of Madison.

Contact: Matt Mikolajewski, Office of Business Resources, Economic Development Division.

Surveyor: Michelle L. Burse, Burse Surveying & Engineering, Inc. 1400 E. Washington Avenue, Suite 158; Madison.

Requested Action: Approval of a request to rezone properties generally addressed as 5202-5402 Graham Place and 5402-5502 Fen Oak Drive from PD-GDP (Planned Development District-General Development Plan) to SE (Suburban Employment District) and approval of a preliminary plat and final plat creating 4 lots for office/employment development and two outlots and converting existing private streets to public streets.

Proposal Summary: The City of Madison is requesting approval to replat 7 existing lots and 1 outlot in the World Dairy Campus into 4 lots for future office/employment development in the SE zoning district. An outlot for future development is proposed along the northern edge of the subject site; a second outlot is proposed on the south side of Fen Oak Drive to provide access to an existing office building owned by Dane County Extension from the public right of way. As part of the project, the City proposes to reconstruct various existing private streets in the World Dairy Campus plat as public streets, with the rights of way for those streets to be dedicated by the proposed plat. Development will proceed as soon as all regulatory approvals have been granted, with construction of the public streets scheduled to commence in summer 2013.

Applicable Regulations & Standards: Section 28.182 of the Zoning Code provides the process for zoning map amendments. The subdivision process is outlined in Section 16.23(5)(b) of the Subdivision Regulations.

Review Required By: Plan Commission and Common Council.

Summary Recommendation: The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022-00049, rezoning 5202-5402 Graham Place and 5402-5502 Fen Oak Drive from PD-GDP to SE and the preliminary and final plats of BioAg Gateway Replat to the Common Council with recommendations of **approval**, subject to input at the public hearing and the conditions from reviewing agencies beginning on page 4 of this report.

Background Information

Parcel Location: The subject site is a 35.7-acre parcel located east of Agriculture Drive between existing Graham Place and Fen Oak Drive; Aldermanic District 16 (DeMarb); Madison Metropolitan School District.

Existing Conditions and Land Use: The lots to be rezoned and replatted are undeveloped.

Surrounding Land Use and Zoning:

North: State of Wisconsin Department of Agriculture, Trade & Consumer Protection office building, zoned SE (Suburban Employment District);

South: Dane County Extension and multi-tenant office buildings located on south side of Fen Oak Drive, zoned PD-GDP; regional stormwater detention and undeveloped land, zoned CN (Conservancy District);

East: Undeveloped land owned by the State of Wisconsin Department of Transportation, zoned A (Agriculture District);

West: Multi-tenant office and light industrial buildings, zoned PD-GDP and SE.

Adopted Land Use Plan: The Comprehensive Plan identifies the World Dairy Campus including the subject site and surrounding properties to the north, west and south for Employment uses. Lands to the east of the site are recommended for Park and Open Space uses. There is not an adopted neighborhood plan for this area.

Zoning Summary: See the 'Project Description' section below. All of the proposed lots will conform to the proposed SE zoning district.

Environmental Corridor Status: Most of the World Dairy Campus including the subject site is not located within a mapped environmental corridor, though an area of woodlands with greater than 80% canopy is depicted at the northeastern corner of the subject site on the portion of the site proposed as an outlot for future development. The undeveloped lands adjacent to the east of the site are located within a mapped environmental corridor due to the presence of wetlands and 100-year floodplain on most of that property; a perennial stream also extends north-south across that land.

Public Utilities and Services: The site and surrounding developed properties are served by a full range of urban services, including weekday Madison Metro service nearby on Agriculture Drive.

Previous Approvals

On August 30, 1994, the Common Council approved a request to rezone 55 acres located at 2831 Vondron Road from M1 (Limited Manufacturing District) to PUD-GDP and a subdivision plat of World Dairy Campus, which was envisioned as an office campus development within the larger World Dairy Center industrial/ employment subdivision. The final plat of World Dairy Campus was recorded on February 8, 1995 following final approval of the plat by the Common Council on January 17, 1995.

Project Description

The City of Madison is requesting approval of preliminary and final plats and a related zoning map amendment to the SE-Suburban Employment District to facilitate the development of approximately 27 acres of undeveloped land in the World Dairy Campus subdivision, which the City purchased in 2006 and 2007. The other 6 developed lots in World Dairy Campus are developed with office buildings, which will remain in PD zoning. All of the lots within the World Dairy Campus development are served by a network of private streets managed by the World Dairy Campus Owners Association, of which the City is a member.

The proposed subdivision calls for the 27 acres of City-owned land to be replatted as 4 lots for future office/employment development consistent with the other buildings that have been developed in the World Dairy Campus development, and for the outlot containing the private streets in the subdivision—Graham Place, Walton Commons, and Fen Oak Drive—to be reconfigured and reconstructed as public streets under a City project that will commence later this year. Of particular note, existing Walton Commons, which was built as a wide, median-divided pair of one-way streets, will be reconstructed as a more conventional two-way public street within a 66-foot wide right of way and without a median. The eastern half of the private right of way containing the northbound leg of Walton Commons will be added to Lot 2 of the proposed replat. Existing Graham Place will be terminated at the newly constituted Walton Commons, and the smaller lots located on the north and south sides of that street will be combined to create larger building sites (Lots 2 and 3) that will front onto Fen Oak Drive. Lot 1 of the replat will front onto the section of Graham Place that will remain, and which intersects the private drive that serves the State of Wisconsin’s Department of Agriculture, Trade & Consumer Protection (DATCP) office building to the north. Lot 4 of the replat will comprise the southeastern corner of the subject site and will be accessed from a permanent cul-de-sac that will be built at the eastern end of Fen Oak Drive.

The City is currently in discussion with the State about a potential swap of Outlot 2 of the proposed replat, which abuts the southern edge of the DATCP property and is proposed for unspecified future development. In exchange for the proposed outlot, the City would obtain the section of the State drive between Graham Place and Agriculture Drive, which the City would convert to a public street to create a full public street grid to serve the World Dairy Campus subdivision. In the event that this swap does not proceed, Graham Place would be terminated in a temporary turnaround at the western edge of the replat, though through traffic from the World Dairy Campus could still use the State drive by virtue of an existing cross-access easement that serves the properties.

Analysis and Conclusion

The Planning Division believes that the proposed replat and rezoning of the undeveloped, City-owned parcels in the World Dairy Campus development to the SE district is consistent with the Employment land uses recommended for the subject site and the properties generally located to the north, south and west in the Comprehensive Plan. Staff believes that Planned Development zoning is no longer necessary to achieve the office campus environment within the World Dairy Center area that was envisioned when the World Dairy Campus development was first proposed approximately 20 years ago. The requested SE zoning district will result in a development pattern consistent with other buildings in the subdivision due to the site and building design requirements contained in the new Zoning Code.

The replat proposes to formalize the eastern terminus of Fen Oak Drive with a permanent cul-de-sac. The original World Dairy Campus plat showed the outlot housing Fen Oak Drive ending adjacent to the western edge of platted Lot 9, which is similar in configuration to proposed Lot 4 of the replat. The extension of Fen Oak Drive further east was not contemplated, and a future extension to the east of World Dairy Campus is extremely unlikely due to the presence of significant wetlands and floodplain that encompass most of the State of Wisconsin Department of Transportation (WisDOT)-owned land located between the eastern edge of the site and Interstate 39-90. The adjacent WisDOT land also contains a perennial stream.

Accordingly, staff believes that an affirmative statement should be included in a Plan Commission approval of the replat to grant a waiver to the requirements in the Subdivision Regulations that generally restricts the use of

cul-de-sacs in subdivision design. Sec. 16.23(8)(a)1 states that “Cul-de-sacs shall not be used in any street layout, unless the topography or other unique physical feature of a development makes cul-de-sacs the only, or most logical, street layout. Where cul-de-sacs are determined to be necessary, a sidewalk, connecting path or multi-use path shall be provided to connect to another public right of way unless topography or other unique physical features make this connection impossible.” Sec. 16.23(8)(a)2 further states that “Proposed streets shall extend to the boundary lines of the subdivision unless prevented by topography or other physical conditions; or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision and for the advantageous development of the adjacent lands.” In this case, staff believes that there is sufficient evidence to find that the construction of a cul-de-sac at the eastern end of Fen Oak Drive is appropriate due to the topographical conditions present to the east, which makes the extension to the east and development of the adjacent lands very unlikely.

Recommendation

Planning Division Recommendation (Contact Timothy M. Parks, 261-9632)

The Planning Division recommends that the Plan Commission forward Zoning Map Amendment ID 28.022–00049, rezoning 5202-5402 Graham Place and 5402-5502 Fen Oak Drive from PD-GDP to SE and the preliminary and final plats of BioAg Gateway Replat to the Common Council with recommendations of **approval** subject to input at the public hearing and the following conditions:

Recommended Conditions of Approval Major/Non-Standard Conditions are Shaded

1. That the Plan Commission finds the extension of Fen Oak Drive to not be necessary for the advantageous development of the adjacent lands due to the topographical constraints present adjacent to the subject site.

The following conditions of approval have been submitted by reviewing agencies:

City Engineering Division (Contact Janet Dailey, 261-9688)

2. For clarification, all references to underlying private street names (Fen Oak Court and Graham Place) within proposed Outlot 1, Lot 2 and Lot 3 shall be removed, as these private streets will be obliterated. [New public street names will be established with this plat.]
3. The Office of Real Estate Services is coordinating with Wisconsin Department of Administration for a potential land swap and public dedication of proposed “DATCP Lane” connecting the public right of way of Agriculture Drive to the proposed public dedicated Graham Place. If this land swap does not occur prior to the recording of the plat a temporary street/ turn around easement shall be provided at the end of Graham Place.
4. The Office of Real Estate Services, Planning Division, and City Engineering Division are coordinating for the necessary public easement releases, as well as identifying which easements shall be perpetuated prior to final approval and recording of this proposed replat. (RE Project Nos. 9424-9425)
5. The Office of Real Estate Services, Planning Division, and City Engineering Division are coordinating for the necessary new public easements to be created by this replat. These easements shall include, but are yet not

limited to, a 10-foot wide public utility easement along the south line of proposed Lots 2 and 3 adjacent to the new north right-of-way line of Fen Oak Drive.

6. The Office of Real Estate Services, Planning Division, and City Engineering Division shall coordinate the naming convention for private Outlot 2, which shall be designated as a privately owned open space reserved for future development.
7. Future development of the lots created by this plat shall require compliance with current stormwater regulations regarding infiltration, oil and grease control. A note to this affect shall be added to the plat.
8. The lots within this plat are subject to the City of Madison Broadway East Interceptor Sewer Area Charges. All impact fees are due and payable at the time building permits are issued. The following note shall put the face of the plat: "Lots/ buildings within this subdivision/ development are subject to impact fees that are due and payable at the time building permit(s) are issued."
9. Note: The City is proposing to jointly plat lands with the World Dairy Campus Owners Association, of which the City is the majority property owner within the existing World Dairy Campus Plat. The existing Outlot 2, which is currently a private street, shall be dedicated to the public as right of way. Some additional right of way modifications shall be required including the reconstruction of Walton commons to a conventional 66-foot right of way and additional street dedication on Fen Oak Drive and Graham Place. These dedications will allow the City to take ownership and of the right of way and perform maintenance of the street. City staff has worked extensively on the proposed layout of the infrastructure and will continue to modify the layout as necessary to meet the needs for the public street, lighting, sanitary sewer, water main, and storm sewer accommodations necessary to bring the infrastructure up to City standards. The current plat as provided to the Plan Commission takes all of City Engineer's comments into account to date.
10. Note: The construction of the infrastructure necessary to bring the private streets up to City standards will be undertaken by the City of Madison as an assessable project in the summer and fall of 2013. The full cost of the improvements and all related development fees will be assessed to all adjacent lots.
11. The City and World Dairy Campus Owners Association shall enter into a contract for the conversion of private streets to public right of way for the development of the plat. The agreement will spell out the rights and responsibilities of each party for the platting and construction / reconstruction of the necessary infrastructure to serve the development. The World Dairy Campus Owners Association shall sign a waiver of hearing and notice for the assessments of the plat improvements.
12. An erosion control plan and land disturbing activity permit shall be submitted to the City Engineering Division for review and approval prior to grading or any other construction activities. The Preconstruction Meeting for Public Improvements shall not be scheduled prior to issuance of this permit. The applicant shall demonstrate compliance with Section 37.07 and 37.08 of the Madison General Ordinances regarding permissible soil loss rates. The erosion control plan shall include Universal Soil Loss Equation (USLE) computations for the construction period. Measures shall be implemented in order to maintain a soil loss rate below 7.5-tons per acre per year.
13. A minimum of 2 working days prior to requesting City Engineering signoff on the plat, the applicant shall contact Janet Dailey (261-9688) to obtain the final stormwater utility charges that are due and payable prior to subdivision of the properties. The stormwater utility charges (as all utility charges) are due for the

previous months of service. All charges shall be cleared prior to the land division (and subsequent obsolesces of the existing parcel).

14. Wisconsin Administrative Code A-E 7.08 identifies when Public Land System (PLS) tie sheets must be filed with the Dane County Surveyor's office. The Developer's Surveyor and/or Applicant must submit copies of required tie sheets or condition reports for all monuments, including center of sections of record, used in this survey, to Eric Pederson, City Engineering. If a new tie sheet is not required under A-E 7.08, Engineering requests a copy of the latest tie sheet on record with Dane County Surveyor's office. The Applicant shall identify monument types on all PLS corners included on the Plat. Note: Land tie to two PLS corners required.
15. In accordance with Section s. 236.18(8), Wisconsin Statutes, the applicant shall reference City of Madison WCCS Dane Zone 1997 Coordinates on all PLS corners on the plat in areas where this control exists. The surveyor shall identify any deviation from City Master Control with recorded and measured designations. The City has established WCCS, Dane Zone Coordinates on all PLS corners within its corporate boundary. Visit the City of Madison Engineering Division web address http://gis.ci.madison.wi.us/Madison_PLSS/PLSS_TieSheets.html for current tie sheets and control data. If a surveyor encounters an area without a published WCCS Dane Zone 1997 value, contact the City Engineering Division for this information.
16. The applicant shall show the type, location and width of any and all easements. Clearly identify the difference between existing easements (cite Register of Deeds recording data) and easements which are being conveyed by the plat. Identify the owner and/or benefiting interest of all easements.

Traffic Engineering Division (Contact Eric Halvorson, 266-6527)

17. The applicant shall execute and return a declaration of conditions and covenants for streetlights and traffic signals prior to sign off.
18. Public signing and marking related to the development may be required by the City Traffic Engineer for which the developer shall be financially responsible.

Zoning Administrator (Contact Pat Anderson, 266-5978)

This agency did not provide comments for this request.

Fire Department (Contact Bill Sullivan, 261-9658)

This agency submitted a response with no comments or conditions for this request.

Water Utility (Contact Dennis Cawley, 261-9243)

19. Minimum 20-foot wide public water main easements shall be dedicated over all public water mains not located in public right of way.
20. All operating private wells shall be identified and permitted by the Madison Water Utility and all unused private wells shall be abandoned in accordance with MGO Sec. 13.21.

Metro Transit (Contact Tim Sobota, 261-4289)

This agency did not provide comments for this request.

Parks Division (Contact Kay Rutledge, 266-4714)

This agency did not provide comments for this request.

Office of Real Estate Services (Jenny Frese, 267-8719)

21. Prior to final sign-off, an Owner's Certificate shall be executed by all parties having an interest in the property, pursuant to MGO Section 16.23(5)(g)4 and Wis. Stats. 236.21(2)(a). The City's Office of Real Estate Services will obtain owner signatures.
22. Note: City staff will research mortgage history to determine if a Consent of Mortgagee is required for execution.
23. Please update the signature line to include the Treasurer's name in the City of Madison Treasurer Certificate.
24. Please add a space for the document number Dane County Register of Deeds Certificate.
25. Note: The Office of Real Estate Services will obtain agency plat approval signatures, as well as all other signatures needed for the included certificates.
26. Stormwater management fees, if any, shall be paid in full prior to final sign-off.
27. The following revisions shall be made to the final plat prior to final approval and recording:
 - a.) Depict and label the easement for ingress and egress purposes conveyed in Warranty Deed recorded as Document No. 4262017.
 - b.) Update Note #5 to refer to *former* Outlot 2 of World Dairy Campus plat and coordinate with city staff for the appropriate language for this note, based upon the pending dedication of Outlot 2 to the city (Reference: Real Estate Project 10145). If certain deed restrictions or other conditions are included in the Warranty Deed, please refer to the Document Number in the note.
 - c.) One of the existing 15-foot utility easements per Second Add. to World Dairy Document No. 2760420 (near the lot line for Outlot 9 and Outlot 12) should be labeled 25'.
 - d.) Create notes that define the purpose of and the ownership of (whether public or private) all outlots. The note for an outlot dedicated to the public shall say: "Dedicated to the public for _____ purposes." Staff has discussed Outlot 1 for private access purposes and Outlot 2 for future development and tree preservation.
 - e.) Coordinate with City staff regarding the existing facilities located in the portion of Outlot 2 that bisects proposed Lots 2 and 3, and the possibility of retaining an easement for said facilities.
 - f.) Coordinate with City staff regarding the release and creation, or relocation of the existing 10-foot utility easement per Document No. 2659470, which runs parallel to Walton Commons Lane over proposed Lot 2.

- g.) Move that portion of existing 10-foot utility easement per Document No. 2659470 this is located along the northerly right-of-way line of Fen Oak Drive to reflect the new Fen Oak Drive boundary due to public right-of-way expansion.
- h.) Coordinate with City staff to verify whether or not Outlot 12 of Second Addition to World Dairy Center is to be included in the plat boundary.
- i.) Coordinate with City staff regarding the map and legal descriptions needed for two off-plat public easements (reference Real Estate Projects 9424 & 9425). If recorded prior to the plat, please depict and label the easements by Document Number.